



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: 0100038

Category: NSPS
EPA Office: Region 3
Date: 08/29/2000
Title: QQQ Applicability to Oil Refinery
Recipient: LeAnn M. Johnson-Koch
Author: Judith Katz

Subparts: Part 60, QQQ, Petrol. Ref.-Wastewater Systems

References: 60.690(a)(3)

Abstract:

Q: Do the changes made by the previous owner of a West Virginia refinery, pursuant to a RCRA Consent Order, trigger NSPS applicability under Subpart QQQ?

A: Yes, the changes made are, in some respects, construction of new affected facilities and also the modification of other affected facilities through the completed projects.

Letter:

LeAnn M. Johnson-Koch, Esquire
Collier, Shannon, Rill & Scott
3050 K Street, N.W., Suite 400
Washington, D.C., 20007

Re: NSPS Subpart QQQ and Kb Applicability as it Relates to the Quaker State Corporation Consent Decree Requirements, Civil Action No. 93-0196W.

Dear Ms. Johnson-Koch:

In your February 4th letter, you requested that USEPA determine if the physical changes made to the waste water plant at Quaker State's ("QS") West Virginia refinery, as a result of required compliance with the above listed RCRA Consent Decree, met the definition of new construction, modification and/or reconstruction under the federal New Source Performance Standards program (NSPS), thereby causing the affected facilities within the plant to be subject to the NSPS found at 40 C.F.R. Part 60, Subparts QQQ and Kb. We understand that Ergon purchased and currently owns the refinery.

In implementing the requirements of the Consent Decree, you indicated that QS constructed a new storm water tank, a new lift station (storm water pump pit), modified an existing diverter box (adding a 36 inch open drain pipe connected to the lift station), and added at least ten new drains, tying them to the existing drain system. Specifically, you have stated that you believe: A) the construction of the two new steel API separators constituted "new construction" and/or "reconstruction" triggering NSPS Subpart QQQ; B) the new storm water tank is "new construction" subject to NSPS Subpart Kb; and C) the construction of the new lift station (storm water pump pit), the modification of an existing diverter box and the installation of the new drains (that were tied into an existing drain system) constituted "new construction" or a modification of the "individual drain system" and/or the "aggregate facility" triggering the applicability of NSPS Subpart QQQ.

We have examined the information submitted in your letter of February 9th, which includes the January 27th letter QS sent to the WVDEP requesting an applicability determination on the above issues, and the March 28th letter in which Ergon submitted process flow diagrams to USEPA demonstrating the configuration of the wastewater treatment plant system before and after the work performed to comply with the Consent Decree. Based upon this information we

have determined the following:

A. North and South API Separators

The physical changes made to the North and South API separators, which included the installation of steel liners and required QS to install replacement separator components, and the installation of a new storm water holding tank which is connected to the oil-water sewer, constituted "construction" of an "affected facility" as defined by the NSPS at 40 C.F.R. Sec. 60.2. "Affected facility" for the purposes of subpart QQQ includes an oil-water separator. 40 C.F.R. Sec. 60.690(a)(3). The new storm water tank is considered part of the oil- water separator because it can store oily wastewater discharged from the oily water sewer and should be considered as located between the drain systems and the oil-water separator. As such, it is auxiliary equipment within the 40 C.F.R. Section 60.691 definition of oil-water separator. The API separators are therefore subject to NSPS subpart QQQ. It is also possible that these physical changes meet the NSPS definition of "reconstruction." However, Ergon has not submitted detailed cost information on the new equipment installed or cost information about the cost of a comparative entirely new facility. In order to make a proper determination regarding reconstruction, we would need detailed cost information as indicated so we could compare it to the actual dollars spent on the API separators to evaluate whether the 50% rule was met or not.

B. The New Storm Water Tank

As noted above, the storm water tank is part of the API separator and is subject to NSPS subpart QQQ controls. "Oil-water separator" is defined, under Section 60.691, as, "wastewater treatment equipment used to separate oil from water consisting of a separation tank , which also includes the forebay and other separator basins, skimmers, weirs, grit chambers, and sludge hoppers. Slop oil facilities, including tanks, are included in this term along with storage vessels and auxiliary equipment located between individual drain systems and the oil-water separator." EPA is unable to determine if it is subject to NSPS Subpart Kb because Ergon did not submit specific information regarding the maximum true vapor pressure of the liquid (as defined and calculated in 40 C.F.R. 60.111b(f)) stored in the tank.

C. Individual Drain System

The ten new drains, lift system and diverter box meet the definition of an "individual drain system" in Section 60.691 of Subpart QQQ. Pursuant to Section 60.690 (a)(2), an individual drain system is a separate affected facility. As you have noted, ten new drains were installed, the lift station is new and the diverter box had a new 36" pipe attached to the new lift station. This "installation of an affected facility" meets the NSPS definition of "construction" at 40 C.F.R. Sec. 60.2. Hence, the individual drain systems are subject to the requirements of NSPS Subpart QQQ.

We apologize for the delay in making this determination and if you should have any further questions on this issue, do not hesitate to contact Andrew Seligman at (215) 814-2097 or James Hagedorn at (215) 814-2161, both of my staff .

Sincerely,

Judith M. Katz, Director
Air Protection Division

cc: T. Polen, WVDEP
Tom Ripp, OECA